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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/183,800	01/21/94	YAMAZAKI	S 0756958

B5M1/1114
SIXBEY, FRIEDMAN, LEEDOM & FERGUSON
2010 CORPORATE RIDGE
SUITE 600
MCLEAN VA 22102

EXAMINER

CRANE, S

ART UNIT	PAPER NUMBER
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2508

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DATE MAILED: 11/14/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 23-38 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 23-38 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

08/183,800

SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit 2508

The text of those sections of Title 35, U.S. Code, not included in this action can be found in a prior Office action.

Claims 23-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamazaki, 5,262,654, and Zhang et al., 5,313,075, considered together.

Both of the patents teach concentrations of carbon, nitrogen, or oxygen as claimed. See, i.e., '654 column 6, lines 40-41, or '075 column 14, lines 60-61. Figure 15 of '075 shows the Raman shift, and both references appear to have intrinsic channel regions. Laser irradiation is taught at column 14, lines 9-16 of '075. It would have been obvious to form transistors having combinations of these features as claimed, in order to achieve the advantages associated with each feature as taught in the two references.

Claims 23-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,313,075 or claims 1-14 of U.S. Patent No. 5,262,654, for the reasons noted above.

Applicant's arguments submitted have been considered, but these arguments are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Crane, whose telephone number is (703) 308-4894.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist,

Serial No. 08/183,800

-3-

Art Unit 2508

whose telephone number is (703) 308-0956.

A handwritten signature in cursive script, reading "Sara W. Crane".

Sara W. Crane
Examiner
Art Unit 2508